

AUG 21 1982

V/S Input
**CERTIFIED MAIL—
RETURN RECEIPT REQUESTED**

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84H
10/12
Raymond C. Marier, Esq.
Division Counsel - Manufacturing &
Engineering
Corning Glass Works
Fallbrook Plant
Tioga Avenue
Corning, New York 14830

file
Re: II RCRA-82-0209
EPA I.D. No. NYD000824425

Dear Mr. Marier:

I am responding to your July 15, 1982 letter to Katherine Buttolph. She no longer works for this Agency, and I am now handling the above-referenced Complaint for EPA.

You and John L. Cherill have apparently resolved doubts expressed in earlier correspondence and have represented that Corning has no hazardous waste in the two surface impoundments serving the Pressware plant. Based upon that representation, EPA will comply with the request (made by John Cherill in his June 17, 1982 letter to EPA's Richard Baker) that these impoundments and the sludge in them be deleted from Corning's Part A RCRA application for its Pressware Plant. Be advised that Corning will no longer have "interim status," i.e., legal authorization, to manage hazardous waste in these surface impoundments.

With regard to the above-referenced Complaint concerning Corning's Fallbrook Plant, EPA is prepared to settle this matter for two thousand dollars. This civil penalty is reasonable, especially when one considers the numerous violations at the Fallbrook plant. (Containers were not clearly marked and labelled, the facility had no written waste analysis plan, all containers of hazardous waste were not closed, etc.) In addition, other violations were found at the neighboring Pressware plant and no decision has been made yet on what action to take. (I am enclosing a copy of the reports on the inspections of each plant.) If Corning agrees to a settlement acceptable to EPA and pays a civil penalty of \$2000, we would probably be willing to forebear from taking further enforcement action for all violations of regulations promulgated pursuant to the Resource Conservation and Recovery Act, discovered on March 17, 1982 at both the Fallbrook and Pressware plants.

2ENF-GE:WKSawyer/ep:x4472:8/23/82

2ENF-GE
SAWYER

*- Input Consent Agreement
- with a response of 7/15/82 - Resolved
Was their a Proposed Consent Agreement -
See W. Sawyer*

It would, of course, be understood that the type of violations documented in the enclosed RCRA inspection reports would be corrected within sixty days of the date of this letter.

I am enclosing an original and a copy of a proposed Consent Agreement to resolve this matter. If satisfactory to Corning, please have an officer of the company sign both and return them to me, so I can obtain the necessary signatures here.

I can be reached at (212) 264-4472.

Sincerely yours,

William K. Sawyer
Attorney
General Enforcement Branch
Enforcement Division

Enclosures

T. Taccone

DEC 28 1982

(212) 264-4472

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file
Raymond C. Marier, Esq.
Division Counsel - Manufacturing
and Engineering
Corning Glass Works
Fallbrook Plant
Tioga Avenue
Corning, New York 14830

*JH
KUDMS
1/6/83*
Re: Docket No. II RCRA-82-0209
EPA ID No. WYD006824425

Dear Mr. Marier:

Enclosed is a conformed copy of the Consent Agreement and Final Compliance Order in the above-captioned proceeding, signed by the Regional Administrator of the U.S. Environmental Protection Agency.

Upon your receipt of this Order, the sixty-day period for payment of the civil penalty commences. Please arrange for payment of this penalty according to the instructions given in the Order.

Sincerely yours,

William K. Sawyer
Attorney
General Enforcement Branch
Enforcement Division

Enclosure

cc: Laurens Vernon
Compliance Counsel
New York State Department of
Environmental Conservation

bcc: Andrew Bellina, 2AUM-SW
Tom Taccone, 2PM-PA ✓
Robert Brook (EN-329)
Regional Hearing Clerk